



TFW

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Masateru YAMAMOTO et al.

Group Art Unit: 2828

Application No.: 10/625,687

Examiner: Tuan N. Nguyen

Filed: July 24, 2003

Docket No.: 116661

For: SURFACE EMITTING SEMICONDUCTOR LASER AND METHOD OF
FABRICATING THE SAME

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the April 20, 2005 Restriction Requirement, Applicants provisionally elect Group I, claims 1-22, with traverse.

It is also respectfully submitted that the subject matter of all claims 1-31 is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



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Date: May 12, 2005

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